Department of Justice,

As a concerned citizen and a professional working in the Information Technology sector, I am shocked at the failure of the United States government to seek an appropriate settlement in the Microsoft anti-trust trial.

Microsoft has been found guilty of abusing monopoly power and those finding have been upheld on appeal. Given the background of the findings of fact and findings of law in this case, the government's settlement constitutes little more than a capitulation to an illegal activity. It is no more honorable than striking closed-door deals with drug cartels or organized crime.

At a time when no other operating system vendor is "integrating" unnecessary components into operating systems, Microsoft continues to do so. There is no technologically sound reasoning for doing this. The research into operating system complexity was done by IBM in the 1970's and resulted in the splitting out of non-critical functions from the operating system. This results in a smaller, easier to test, and therefore, more stable operating system. All major operating systems today have followed this pattern of creating an "layered" approach to development.

The reasoning that Microsoft continues to integrate services into the operating system cannot be justified on a technological basis, therefore, we must look to other reasons for doing this. The most common reason, given during the testimony phase and upheld by the appeals court, is that the integration was done for marketing purposes in order to make it more difficult to use non-Microsoft products.

Microsoft has a long legal history of creating barriers to competition. The Caldera suit centered around the contention that Microsoft intentionally displayed an error message if it detected the presence of DrDOS, a Digital Research competitor to MSDOS, on the machine. The suit was quickly settled under a sealed agreement within weeks after the announcement that a copy of the original source code containing the aforementioned error message was discovered in a former employee's garage.

They have successfully fended off suits for using "undisclosed API's" which denys competing products a level playing field by hiding many operating system features which are known only to themselves. To a technologist, this is a simple matter to prove and is considered to be a

"given" when dealing with Microsoft, but they have managed to convince the courts that they are not engaging in this activity.

Microsoft has also been guilty of co-opting public standards so that they no longer work with competing products which follow the published standards. The most infamous case of this was their polluting of the Kerberos encryption standard. By taking a public standard and changing it to their own needs, their enormous marketing power can sway the development of open standards in any way they wish.

Having eradicated all major corporate competition from Netscape, Borland, IBM, et.al., they are currently turning their sights on Sun Microsystems Java language and the Open Source movement. Java is currently the fastest growing computer language and has been for a few years. At the current rate of growth, it may become the most popular programming language in use in the near future. By not taking steps to curb Microsoft's aggressive anti-Java campaigns, American business is faced with the risk of having what they have chosen as the best tool for their needs be degraded and compromised so that Microsoft can continue and extend their monopoly hold over the Information Technology sector. The damage to the American economy and technology sectors by Microsoft's manipulation of the field is very real. By actively taking steps to make it more difficult to run competing products, such as was done with Windows XP's product certification, Microsoft is endangering the livelihood of every company that does not use 100% Microsoft solutions.

I would not be as concerned if Microsoft's products lived up to the marketing hype that surrounds them. Just today, another security patch was released for Internet Explorer because a exploit was found which revealed the contents of cookies stored on a user's computer. The constant string of security lapses associated with Microsoft products (Internet Explorer, Internet Information Server and Outlook being the top offenders) stems from design decisions made to support marketing efforts rather than an attempt to provide this country with a stable technology platform to move forward upon. It is generally acceptable to have to reboot a computer running Windows on a daily basis, the cost in lost productivity to American business from a single daily reboot of every computer running Windows is staggering. Add to this the additional costs to American business and consumers by the numerous viruses which spread through Microsoft products on a regular schedule. The cost of viruses alone has been estimated in the billions of dollars for this year.

As Microsoft continues to add "features" to it's suite of services, a fundamental change is quietly sweeping through the world. Started in Finland by Linus Torvolds, the Linux operating system has already proven itself to be more stable and more secure than anything Microsoft has produced. The Linux operating system is distributed in the Open Source model which means anyone who wants access to the source code has

complete and unrestricted access. The code itself is owned by no one
but is free for anyone to take and use. In the past few years, advances
in many fronts coming out of Germany, Mexico, Israel, Australia and the
United States have moved Linux from an underground phenomenon to a
mainstream product. At the same time, Microsoft continues to escalate
the requirements for entry into it's own product line while Linux has
opened the Information Technology sector to the entire world. At this
time, Linux is seen by Microsoft as their top competitor.

It is my deep fear that if real and substantial steps are not taken
to curb Microsoft's continued monopoly influence in the technology
sector, that American business will soon find themselves at a
disadvantage. Through competition of an "evolutionary" nature, Linux
continues to advance at a staggering pace. Some of these advances are
even coming out of China, the remaining Communist power. It seems
ironic that the United States where it is generally accepted that
competition brings better products might soon be faced with the
situation of being a "second" in Information Technology because we
failed to act to ensure competition would work when we had the chance.

It is for these reasons and others that I oppose the proposed
settlement with Microsoft. The settlement does nothing to restore
competition, nor does it provide for penalties for past wrongs. I
believe a moral and just resolution to this case must bring both.

Sincerely,

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